

**ALABAMA ELECTRONIC SECURITY BOARD OF LICENSURE
ADMINISTRATIVE CODE**

CHAPTER 304-X-1

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304-X-1-.01 **Definitions**

(1) Administrative Fee: A fee is charged to first time applicants, or those reapplying as first time applicants, or to licensees who wish to have a change of address or name, to cover the expenses of setting up applicants' data files.

(2) Administrative Management: Pertains to those individuals who may be an owner or in a management, administrative or clerical position who has access to personal and confidential records of clients and who shall register with the Board as Administrative. An individual who registers as Administrative shall not have direct contact with customers on a daily basis, may not enter client homes or businesses, must pass a criminal background check, and shall not be issued an AESBL ID card.

(3) Alarm Monitoring Company: Any person, company, corporation, partnership, or business, or a representative or agency thereof, authorized to provide alarm monitoring services for alarm systems or other similar electronic security systems whether the systems are maintained on commercial business property, public property, or individual residential property.

(4) Alarm System: Burglar alarms, security cameras, or other electrical or electronic device used to prevent or detect burglary, theft, shoplifting, pilferage, and other similar losses. The term does not include any fire detection, fire alarm, or fire communication system.

(5) Alarm System Installer: A person or business entity that offers to

undertake, represents itself as being able to undertake, or does undertake the installation, service, or monitoring, of alarm systems for the public for any type of compensation.

(6) Alarm Verification: A reasonable attempt by an alarm monitoring company to contact the alarm site or alarm user by telephone or other electronic means to determine whether an alarm signal is valid prior to requesting law enforcement to be dispatched to the location and, if the initial attempted contact is not made, a second reasonable attempt to make a contact utilizing a different telephone number or electronic address or number.

(7) Branch Office: An office established or maintained at some place other than the principal place of business as shown in the Board of Licensure records and is identified to the public at a place from which business of planning, installation, inspecting, repairing, and servicing alarm systems or locks used to protect against or detect burglary, theft, shoplifting, pilferage, or other losses is conducted on a regular basis.

(8) Branch Office License: A license granted by the Board of Licensure entitling a person to operate as a security service contractor of an alarm systems company or a locksmith company at a location other than the principal place of business shown in the Board of Licensure records.

(9) Burglar Alarm (B): An assembly of equipment and devices, or a single device such as a solid-state unit which plugs directly into an AC line, designed to detect an unauthorized intrusion or an attempted robbery at a protected premises or signal public police or private guards to respond, or both.

(10) Monitoring Station: A location where alarm signals are received as part of an alarm system and then relayed via operator to law enforcement officials.

(11) Certified Proctor: A proctor who supervises an exam within their discipline and has been previously approved as a proctor by the AESBL.

(12) Closed Circuit Television System (CCTV): A combination of electronic equipment and devices designed and arranged for the viewing, monitoring, or recording of video signals transmitted from transmitters such as cameras to receivers such as monitors, digital video recorders, and network video recorders (NVR) through a closed cable or other video signal transmission method.

(13) Conviction: The entry of a plea of guilty, a verdict rendered in open court by a judge or jury, a plea of nolo contendere, a plea of nolo contendere, a no contest plea, or a best interest plea that results in the imposition of a fine, prison sentence, or probation.

(14) Disciplinary Action: By affirmative vote of a quorum of the Board members, a disciplinary action may consist of; suspension or revocation of a license, imposing a sanction on a license, and/or a monetary penalty not to exceed one thousand dollars (\$1,000.00) per violation. A Board member shall disqualify himself or herself and withdraw from any case in which he or she cannot accord fair and impartial consideration.

(15) Electronic Access Control System (A): A system that is powered by the building's primary power source and is used as a process to grant or deny an individual access to a specific area or object based upon his or her possession of an item, a code, or physical characteristic.

(16) Helper: Person whose responsibilities are limited while learning the alarm or locksmith business. An alarm Helper may not work without direct, on-the-job, supervision of a licensed Qualifying Agent or installer. An alarm Helper is limited to running wires during the installation of an alarm system. An alarm Helper may not install keypads or assign or program access codes. A locksmith Helper may not work without direct, on-the-job supervision of a licensed locksmith. A locksmith Helper may not change safe combinations or perform work on safe deposit boxes or vaults, nor may a locksmith Helper have access to key codes or customer keying files. Helpers are not subject to the educational requirement of 304-X-1-.04 of this code. A Helper is required to comply with all other sections of this code. No more than two (2) Helpers may be assigned to a licensed individual.

(17) Installation: The initial placement of equipment or the extension, modification, or alteration of equipment after initial placement.

(18) License: A license granted by the Board of Licensure entitling a person to operate as a security services contractor; installer of burglar alarm systems (B), electronic access control systems (A), and /or closed circuit television systems (S); locksmith (L); salesperson (Sales); Monitoring Station (MS); helper (H); or administrative (Adm).

(19) Licensee: A person whose application has been approved by the Board of Licensure to perform the duties of a Qualifying Agent, burglar alarm system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), monitoring station operator (MS), salesperson (Sales), helper (H), or administrative (Adm).

(20) Lock: Mechanical or electronic device used to physically secure and control access to or egress from a structure or area, or used to control the use of a device; these uses include, but are not limited to, residential or commercial door hardware, motor vehicle locks, safes, safe deposit boxes, vaults, or electronic locking devices.

(21) Locksmith: A person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the installation or service of

locks for motor vehicles or for residential or commercial use. The term does not include a person whose financial compensation from services as a locksmith for the installation or service of locks for residential use does not exceed five hundred dollars (\$500) annually and who does not advertise for his or her services as a locksmith.

(22) Identification Card: A pocket card of a size, design, and content determined by the Board of Licensure and carried by each employee of an alarm system or locksmith company, excluding administrative management and monitoring station employees.

(23) New Applicant: A registrant who is employed by a licensed company and who is a first time applicant for licensure or a person who fails to renew a license within thirty (30) days of the expiration date of their most recent license.

(24) Person: Includes, a person, firm, association, company, partnership, corporation, nonprofit corporation, institution, or similar entity.

(25) Proctored exam: An exam taken in person in front of a Certified Proctor who is present during the examination.

(26) Qualifying Agent: A person in a management position who is certified by the Board of Licensure and whose name and address have been registered with the Board of Licensure. This person is a Licensee. This person may be subject to disciplinary actions for the actions of the individuals employed under their supervision.

(27) Registrant: A person who files an application for consideration of licensing by the Board of Licensure to perform the duties of a Qualifying Agent (QA), burglar alarm system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), monitoring station operator (MS), salesperson (Sales), helper (H), or administrative (Adm).

(28) Service: Necessary repair in order to return the alarm system and/or lock to operational condition.

(29) Trainee: A registrant who applies as an alarm system installer, locksmith or salesperson and is granted six (6) months to complete the required certification training and pass the required proctored exam. Trainees must work under the direct, on-the-job supervision of a licensed individual.

Author: Fred Crawford

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304-X-1-.02 Licensure Procedures.

(1) Section 1

(a) No person operating an alarm system company or locksmith company may sell, install, monitor or otherwise operate in the state of Alabama without a license from the Board of Licensure.

(b) The company will complete an application and pay the necessary fees to the Board of Licensure and upon receipt of a license they can operate.

(c) The Board has ninety (90) days to act upon a complete application.

(d) No license can be issued without criminal background information having been received by the Board.

(e) A company must make application if it offers to undertake, represents itself as being able to undertake, or does undertake the installation or service of locks for motor vehicles or for residential or commercial use, or sells, installs, services, monitors burglar alarm systems or holds privacy codes of customers' burglar alarm systems, or sells, installs or services electronic access control systems or CCTV.

(f) A subcontractor must meet the licensing requirements of the Board of Licensure.

(g) Companies located out of the State of Alabama must obtain a "Certificate of Authority of a Foreign Corporation to Transact Business in Alabama" from the Alabama Secretary of State prior to submitting an application to the Electronic Security Board of Licensure.

(h) A licensed alarm system or locksmith company must have a physical location in the state of Alabama or within 50 miles of the Alabama border.

(2) Section 2

(a) Each written contract for services of a company licensed pursuant to this code shall contain the name, mailing address, and telephone number of the Board of Licensure.

(b) There shall be displayed prominently in the place of business of each licensee regulated by this code, a sign containing the name, mailing address, and

telephone number of the Board of Licensure, and a statement informing consumers that complaints against licensees may be directed to the Board of Licensure.

(c) It shall be unlawful and punishable for a person to make application to the Board as Qualifying Agent or to serve as manager of an alarm system company, locksmith or Monitoring Station, unless the person is a full time (in excess of 32 hours per week) employee of the entity for which the person serves as Qualifying Agent, and intends to maintain and maintains that supervisory position on a daily basis for the company.

(d) An application for a license pursuant to this code shall be in the form prescribed by the Board of Licensure. All persons' applications shall include the following:

1. A properly completed application.
2. Supporting documentation of meeting training requirements when necessary.
3. Supporting documentation of meeting insurance requirements.
4. A properly completed Alabama Bureau of Investigation (ABI) Form-46 and required processing fees for a criminal background report.
5. New Applicants must submit a properly completed ABI Form-46 and Federal Bureau of Investigation (FBI) fingerprint cards and required processing fees for an FBI criminal background report.
6. The Board will not deny a license for criminal convictions over seven years old unless the criminal conviction directly relates to the occupation or profession for which the license is sought. However, the Board may, if in its opinion it is warranted, require the applicant to submit a new criminal background check at the expiration of one year of the initial application.
7. A check or money order in the proper amount as prescribed in the application.
8. All applications must contain the physical address of the business.
9. All applications must be signed and notarized or witnessed by two individuals.
10. A copy of the company's most recent business license issued by an Alabama city or county.

(e) A check returned for any reason as unpayable by the issuing bank, following the vote of the Board of Licensure, will result in a fine of the maximum amount as set by state law, as well as denial of issuance of the license. Following a nonpayable fine, only a certified or cashiers check will be acceptable for payment of both the fine and the license.

(f) The license shall be issued for a term of one year or two years. Each license shall be renewed by the expiration date of the current license. Failure to submit a renewal application by the licensee's designated expiration date (as evidenced by the postmark date) may result in the company or individual having to reapply as a new applicant. Renewal applications must include current proof of insurance for the company and training requirements for individuals.

(g) Following issuance, the license shall be posted at all times in a conspicuous place in the place of business of the licensee. A license issued pursuant to this code shall not be assignable.

(h) No licensee shall engage in business or advertise under state license number regulated by this code under a name other than the name of the licensee which appears on the certificate issued by the Board of Licensure or in the name of the business entity which the licensee has registered with the Board of Licensure

(i) A branch office of a locksmith or alarm systems business shall be properly licensed. A separate license, stating the location and licensed qualifying agent, shall be posted at all times in a conspicuous place in each branch office. Every business covered pursuant to this code shall file in writing with the Board of Licensure the address of each of its branch offices, if any, within 10 working days after the establishment, closing, or changing of the location of a branch office. A licensed qualifying agent will be required for daily operations for each alarm system business branch office and be readily available to the registrants in the field.

(j) A Qualifying Agent may register with the Board of Licensure for only one business entity at any given time unless the Qualifying Agent owns 25% or more of each burglar alarm business being registered.

(k) Monitoring Station personnel in a standalone facility located in excess of one hundred (100) miles from the nearest Alabama border, whose only duty is Monitoring Station functions, are exempt from a mandatory background check, but the Board may require Social Security numbers and FBI fingerprint cards and may do random background checks.

(l) Any person or business entity that offers to undertake, represents itself as being able to undertake, or does undertake the monitoring of an alarm system for the

public any type of compensation or, any monitoring station, must, with each renewal application, submit a report which provides the following: (1) the name of the person or business entity that requested their accounts be monitored as an alarm system installer or dealer and (2) the date the company began monitoring accounts on behalf of the alarm system installer or dealer. Said reporting list shall include monitored accounts for persons or business entities who have requested monitoring of accounts in the State of Alabama only and said list shall not include the individual customer list for each alarm system installer or dealer.

(3) Section 3

(a) Each physical location of an alarm system installer shall be operated under the direction and control of a Qualifying Agent. No person shall act as a Qualifying Agent of a licensee until he or she has complied with each of the following:

1. Demonstrated his or her qualifications by a written examination as set forth by the Board of Licensure.

2. Made a satisfactory showing to the Board that he or she has satisfied the qualifications prescribed in this code, by presenting proof of meeting the educational requirements in 304-X-1-.04.

3. If the Qualifying Agent, who has been qualified as provided in this section, ceases to be Qualifying Agent, the licensee shall notify the Board of Licensure in writing within 10 days from each cessation. If notice is given, the license shall remain in force for up to 120 days. After which time, a new Qualifying Agent must be in place. If the licensee has not found a replacement, the licensee must submit a request to the Board in writing petitioning an extension. An extension period may be granted at the discretion of the Board of Licensure. If notice is not given, his or her license shall be subject to suspension or revocation.

(b) All personnel that install or service burglar alarm systems (B), CCTV systems (S), electronic access control systems (A), motor vehicle locks or mechanical locking hardware on behalf of the licensee, including but not limited to, installers, technicians, or locksmiths shall comply with the educational requirements in 304-X-1-.04.

(c) No license will be issued to a company unless the company files with the Board of Licensure evidence of a policy of liability insurance with limits of not less than two hundred fifty thousand dollars (\$250,000), which policy shall provide for certain coverage for both bodily injury or death of a person as result of the negligent act or acts of the principal insured or his or her agents operating in the course and scope of his or her

employment, and for the injury to or destruction of property of others as the result of negligent act or acts of the principal insured or his or her agents operating in the course and scope of his or her agency and any other insurance required by law. The licensee shall notify the Board of Licensure of any change in coverage by a 30 day notice to the Board of Licensure.

(d) A license or branch office license, when issued, shall be in the form prescribed by the Board of Licensure, and shall include the following:

1. The name of the licensee.
2. The name under which the licensee shall operate.
3. The number and date of the license.
4. Which classifications of work the licensee is licensed for.

(e) The license shall at all times be posted in a conspicuous place in the principal place of business of the licensee. Each branch office license shall at all times be posted in a conspicuous place in each branch office of the business.

(f) Notification to the Board of Licensure shall be made within ten days after the change of address of the principal place of business of a licensee, the change of address of a branch office, or the change of a business name under which a licensee does business. A licensee shall, within ten days after the change, notify the Board of Licensure of all changes of his or her address, the name under which he or she does business, and changes in its officers or partners.

(4) Section 4

(a) A license issued under this code shall be subject to revocation or suspension if any licensee fails to disclose pertinent information on the initial or renewal application, misleads, or is untruthful during the application process, or has applied for the original license under false pretenses. Any license may be subject to revocation if a person is convicted of a criminal offense during the license's term. A letter notifying the licensee of a pending suspension or revocation will be sent, via certified mail, to the last known address of the licensee subject to a suspension or revocation. The licensee shall have 15 days from receipt of written notification to respond in writing to the notice of suspension or revocation. On the 16th day of no response, the license shall be suspended or revoked without further notification. If the licensee responds within the stated time period, a formal hearing before a quorum of the Board of Licensure shall be held solely to address the issue

of the immediate license suspension or revocation. Following the hearing a simple majority vote of a quorum of the board will determine whether the licensee's license shall be suspended or revoked.

(b) Notice of current licensed companies and disciplinary actions taken by the Board of Licensure shall be posted on the Board's web site: www.aesbl.alabama.gov.

(c) Information contained in alarm systems' records held by a governmental body concerning the location of an alarm system, the name of the occupant of alarm system location, or the type of alarm system used shall be confidential and disclosed only to the Board of Licensure or as otherwise required by law.

(5) Section 5

(a) A person who is employed to be a Qualifying Agent (QA), monitoring station operator (MS), burglar alarm system (B) installer, electronic access control system (A) installer, closed circuit television system (S) installer, locksmith (L), helper (H), or salesperson (Sales) shall submit the required paperwork and fees with to the Board of Licensure within ten (10) business days after the commencement of employment with an alarm or locksmith company.

(b) Newly hired employees of alarm companies in counties having a population of less than 30,000 inhabitants and meet the exemption requirements of Code of Alabama, Section 34-1A-10 are considered New Applicants and must submit the completed forms and fees required for an ABI and FBI criminal background report within ten (10) business days of employment.

(6) Section 6

(a) Each applicant must pay the license fee, the administrative fee, if applicable, and any outstanding fines due in order for their application to be processed. The administrative fee is not in effect for renewal applications.

(b) The Board does not make complete or partial refunds of any fees received.

(7) Section 7

(a) Each person holding itself out to do business as described in Code of Ala. (1975), Chapter 1A of Title 34, is required to be licensed.

(b) The failure of a person to be licensed in the classification in which he or she is working shall be subject to a monetary penalty (up to \$1,000.00 per violation) as determined by the Board.

Author: Fred Crawford

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304-X-1-.03

Fees.

(1) Fees are to be paid to the Board of Licensure by certified cashier's check or by money order:

Administrative Fee	\$150.00 One time fee upon the first application or late renewal
Partnership or Sole Proprietorship	\$150.00 Annually
Company or Corporation	\$200.00 Annually
Branch Location	\$200.00 Annually
Qualifying Agent (the person responsible)	\$75.00 Annually
Registrant / Individual	\$25.00 Annually
Lost/Replacement ID Card	\$12.50 Issued
Return Check	Maximum amount allowed by law
Monitoring Station Annual Fee	Company License Fee \$200.00, Plus \$12.50 per monitoring operator.

(2) Effective for licensing year beginning January 1, 2014, this board will phase in a licensing fee for a two-year period. For license year 2014, all companies with a name beginning A through H and these company employees shall apply for a one-year license with annual fees. All companies with the name beginning I through Z and these company employees shall apply for a two-year license with double the annual fees. Beginning January 1, 2015, and thereafter, all companies and employees will apply for a two-year license with double the annual fees.

(3) Fees are to be paid to the Alabama Bureau of Investigation (ABI) by certified cashier's check or money order:

Fee for processing New Applicant FBI criminal background report	Range from \$41.50 to \$61.00
Fee for processing criminal background report from ABI Form-46	Range from \$25.00 to \$32.00

(4) If the applicant fails to renew license within 30 days of expiration, he or she must reapply as a new applicant.

(5) Effective for licensing year 2014, a new company with a name beginning A through H or a new applicant at a company with a name beginning A through H that applies for a new license after July 1st is required to pay only one-half of the annual fees and that applicant's license will expire on December 31st of that year. A new company with a name beginning I through Z or a new applicant at a company with a name beginning I through Z that applies for a new license after July 1st is required to pay one and one-half of the annual fees and that applicant's license will expire on December 31st of the next year. New companies will, also, pay the administrative fee.

(6) Effective for licensing year 2015, when all licenses will be on a two-year basis, a new company or new applicant's fees will determine based on the date of the application according to the following schedule: (a) If applying prior to or in the first six months of the two-year, the fees will double the annual fees. (b) If applying in the second six months of the two-year term, the fees will be one and one-half times the annual fees. (c) If applying in the third six months of the two-year term, the fees will be equal to the annual fees. (d) If applying in the last six months of the two-year term, the fees will be one-half of the annual fees.

(7) All companies, unless specifically exempt by Chapter 1A of Title 34, Code of Ala. 1975, which sell, install, monitor or otherwise operate in the burglar alarm, electronic access control, CCTV, or locksmith business in the State of Alabama must obtain a license from this Board in a timely manner or shall be subject to the following monetary penalties:

(a) Companies which are currently in the burglar alarm, electronic access control, CCTV, or locksmith business and do not renew a license by the licensee's designated expiration date (as evidenced by the postmark date) shall be required to submit a new applicant application and shall pay all applicable fees.

(b) Companies which are currently in the burglar alarm, electronic access control, CCTV, or locksmith business and do not renew an expired license by March 31st of the current renewal period shall be assessed a \$500.00 penalty.

(c) Companies which are currently in the burglar alarm, electronic access control, CCTV, or locksmith business and do not renew an expired license by May 31st of the current renewal period shall be assessed a \$1,000.00 penalty.

(d) Monetary penalties may be imposed and collected by the staff.

(e) All monetary penalties must be individually approved by the Board at the next official Board meeting following staff notification.

(f) Following notice of an assessed monetary penalty, a licensee and/or Qualifying Agent (QA) must make a written and /or in person appeal of extenuating circumstances for non-licensure or late renewal to the Board at the next meeting. If no appeal is provided to the Board at its next official meeting, the monetary penalty shall be due and payable.

(g) The Board may reduce or cancel any monetary penalty following an appeal hearing.

Author: Fred Crawford

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304-X-1-.04

Educational Requirements.

(1) Qualifying Agents

(a) For Qualifying Agents installing or servicing burglar alarm systems, an applicant must have completed an advanced Board approved certification class and passed a proctored exam for the class in order to obtain a license. A license will not be issued to a burglar alarm company unless the company has a licensed Qualifying Agent.

(b) To ensure continued competency, effective January 1, 2005, all Qualifying Agents must demonstrate completion of educational requirements equivalent to those required for current status (12 hours of approved continuing education) or current status with their certification, annually, in order to obtain or renew a license.

(c) All Qualifying Agents at alarm system companies which also install or service electronic access control (A) systems and/or surveillance (S) (CCTV) systems must demonstrate that they have taken a Board approved certification class for such classification and passed the proctored exam in order to obtain or renew a license.

(2) Monitoring Station Operators

(a) A monitoring station operator is required to prove attendance at a Board approved class in order to obtain a new license.

(3) Installers

(a) A registrant who performs the duties of an alarm system installer must have completed a Board approved certification class (Level 1) and passed the proctored exam in order to obtain or renew a license.

(b) All alarm system installers who also perform the duties of an electronic control system (A) installer and/or surveillance (S) (CCTV) installer must demonstrate that they have completed a Board approved certification class for Level 1 or a Board approved certification class for the respective classification(s) in which he/she is working or plans to work and passed the proctored exam for the class(es) in order to obtain or renew a license.

(c) To ensure continued competency, all renewing registrants who perform the duties of an installer must demonstrate completion of educational requirements equivalent to those required for current status (12 hours of approved continuing education units) or current status with Level 1 certification, annually, in order to obtain or renew a license.

(4) Locksmiths

(a) A registrant who performs the duties of a locksmith must have passed the mandatory section of the Proficiency Registration Program (PRP) of the Associated Locksmiths of America (ALOA) or a Board approved exam in order to obtain a license.

(b) To ensure continued competency, all renewing registrants who perform the duties of a locksmith, must demonstrate the completion of eight (8) hours of Board approved continuing education units, annually.

(c) All renewing locksmith registrants who perform the duties of installing or servicing electronic access control (A) systems must demonstrate that they have taken a Board approved Electronic Access Control class and passed the proctored exam for the class.

(5) Salesperson

(a) A registrant who is primarily in burglar alarm, electronic access control or CCTV systems sales must pass a Board approved sales class in order to obtain a license.

(b) To ensure continued competency, all renewing registrants who perform the duties of a salesperson must demonstrate the completion of four (4) hours of Board approved continuing education units, annually.

(6) General Comments

(a) A monitoring company that is using or is referred to by a burglar alarm company must be licensed in order for the burglar alarm company to gain a license. The burglar alarm company should obtain a copy of that license.

(b) The Alabama Electronic Security Board of Licensure may offer qualifying tests to any individual at a central location in the state on an annual basis. Individuals may also take the Board approved tests referred to above through any authorized agency that is allowed to give the exams.

(c) Any person in administrative management who has direct contact with customers and offers to undertake, represents himself or herself as being able to undertake, or does undertake the sales, installation, service, or monitoring of burglar alarm systems, electronic access control systems, closed circuit television systems, or locks must meet the educational requirements in 304-X-1-.04 for the activities performed and be licensed, accordingly.

(d) Companies may provide Helpers access to at least eight (8) hours of industry related training, annually, to encourage their growth in the profession.

(e) Alarm and Locksmith companies that have been licensed with the Alabama Electronic Security Board of Licensure (the Board) for the previous five (5) calendar years that have had no complaints filed with the Board against them or their employees that have resulted in disciplinary action being taken by the Board during the previous five (5) years, and have not had documented violations of the Board's law or Administrative Code may file a written request for a waiver from the additional educational requirements of this Section 304-X-1-.04(1)(d) for their Qualifying Agents by providing the Board written certification that they have had no written complaints filed against the company or employees and have had no documented violations of noncompliance during the past five (5) years.

(f) Locksmith companies that only work on residential mechanical locks and have been licensed with the Alabama Electronic Security Board of Licensure (the Board) for the previous three (3) calendar years and have had no complaints filed with the Board against them or their employees that have resulted in disciplinary action being taken by the Board during the previous three (3) years, and have not had documented violations of the Board's law or Administrative Code may file a written request for a waiver from the continuing educational requirements of this Section 304-X-1-.04(4)(b) for their locksmiths by providing the Board written certification that they have had no written complaints filed against the company or employees and have had no documented violations of noncompliance during the past three (3) years.

(g) The receipt of a written complaint by the Board against the company or an employee may result in the loss of its waiver for educational requirements.

(h) Failure to comply with Code of Alabama 1975, Section 34-1A, and this Administrative Code 304-X-1 may result in the loss of a company's waiver of these educational requirements.

Author: Fred Crawford

Statutory Authority: Code of Ala. 1975, § 34-1A

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304-X-1-.05

Code of Ethics.

(1) The following code is intended to aid companies licensed by the Alabama Electronic Security Board of Licensure and their employees, individually and collectively, (hereinafter referred to as companies), in maintaining a high level of ethical conduct. This code evolved out of the experience of the Board and is binding on all licensed firms and their staffs.

(a) Companies will present their qualifications to prospective clients solely in terms of their ability, experience and reputations; will strive continuously to improve their knowledge, skills and techniques to make available to their clients the benefits of their professional attainments; and will not cause harm to another company by their actions or words.

(b) Companies will always render services at the highest level of quality.

(c) Companies will respect the reputation and practice of other firms in the security or locksmith industry, but without hesitation, will report to the Board of Licensure any illegal or unethical conduct by another licensee or company in the industry.

(d) Licensees will give to each client or potential client their AESBL license number and each individual will show his/her AESBL identification card to all existing and potential clients, law enforcement personnel, AESBL Board Members, AESBL inspectors and investigators, and the AESBL staff upon request.

(e) Companies will inform each client of their rights, including their right to cancel a new contract within a specified time period, and encourage them to maintain records of all activities and contracts related to the installation of locks or an electronic security system. Companies will ensure that each client is provided a legible copy of any contract, agreement or work order, immediately, upon being signed by the client. Where provided for on a contract or other document, the name and/or signature of the company salesperson, Qualifying Agent or installer technician must be provided and must be legible. A Notice of Cancellation document must be given to the client and the procedure for cancelling a contract must be clearly explained to the client.

(f) Companies will adequately train each client in the proper use of their locks or electronic security system, will provide customers lockout codes upon receipt of written requests within ten (10) business days, and will not sell customers pre-programmed panels without written disclosure to the customer.

(g) Companies will advise customers who already have electronic security service that, if they already have a contract for services, they may be obligated for payments under the terms of their present contracts as well as any new contract signed.

(h) Companies will respond within ten (10) business days to customer complaints regarding sales, installation, servicing or monitoring of their locks or electronic security systems or the conduct of any person employed or sub-contracted by the company.

(i) Company representatives will make a reasonable attempt to identify the owner of a residence, a commercial establishment, or vehicle before performing work.

(j) Companies will not engage in deceptive, fraudulent, or illegal activity targeting individuals over the age of sixty (60) or individuals who do not appear to be mentally competent. Doing so may result in their license being suspended on an emergency basis without a hearing if said activity is confirmed by a police officer, AESBL investigator, or other law enforcement agency or personnel by a signed and notarized affidavit.

(2) Any company, including all employees of a company, and any person who violates one or more canon of ethics in this code shall be subject to disciplinary action. If, after a hearing, the Board determines that a company or person is, in fact, guilty of a violation, the Board may impose a monetary penalty, a sanction, suspend or revoke a license.

(3) Upon proof (proof being a civil order or criminal conviction) that any licensee or licensed company has engaged in behavior that has violated any Federal, State, or Local law, the Board shall take immediate disciplinary action. All licensees are required to adhere to all laws related to the "Do Not Call List", spoofing, and any laws or rules imposed by the Federal Trade Commission or the Federal Communications Commission.

Author: Fred Crawford

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304-X-1-.06 Administrative Complaints

(1) Receiving Complaints

(a) Complaints alleging that licensees and/or non-licensees have violated AESBL laws and/or regulations must be submitted in writing on a form created by the Board. Complaints must be signed to be processed. Any person, including a Board member or person employed by the Board or its contractor, may file a complaint.

(b) Whenever a complaint is received, the AESBL staff will review the information provided regarding the complaint. Additional information may be requested in order for the staff to determine if there is sufficient reason for a formal Administrative Complaint to be accepted. If it is determined by the Executive Director or Secretary upon review of the information provided that a formal Administrative Complaint is not warranted, the complainant will be notified in writing of the reason why the Board will not accept a formal Administrative Complaint. If it is determined that there is sufficient reason or evidence to pursue a formal Administrative Complaint, a form, with potential violations noted by the staff, will be sent to the complainant to complete and have witnessed or notarized. Upon receipt of the completed Administrative Complaint form, it will be assigned a unique identifying number.

(c) If the Board receives more than one complaint concerning related allegations against the same licensee, the Board may consolidate the complaints for purposes of review, investigation, responses, and disciplinary action.

(d) AESBL may contract for the services of an investigator to aid in investigating a complaint.

(e) All licensees, having had a complaint filed against them or their company, shall have a minimum of thirty (30) days from being notified of the complaint to respond to the complaint or allegations in writing.

(f) After the deadline for the licensee's response to a complaint in writing, a complaint may be referred to the Investigative Committee for a determination of the existence of probable cause to proceed with disciplinary action or to close the complaint.

(2) Investigative Committee

(a) The Investigative Committee will be comprised of one member of the Board, the executive secretary or his/her designee, and the Board's attorney. The Board member shall be assigned to the Investigative Committee on a rotating equitable basis. The Chairman of the Board shall determine the Board member assigned to a particular complaint and may do so upon the request of the executive secretary, without

prior Board approval and without the requirement of a board meeting before said assignment.

(b) The Board member who participates on the Investigative Committee regarding a complaint will recuse himself or herself from any participation in the hearing and determination of the complaint.

(c) The Investigative Committee may require the licensee to attend a meeting of the Committee to aid in investigating a complaint.

(d) If the Investigative Committee finds that probable cause exists, the Investigative Committee shall recommend disciplinary action by a majority vote of the committee. The licensee shall be notified by certified mail of the Investigative Committee's recommendation for disciplinary action and the licensee may either agree to said disciplinary action, request a hearing within thirty (30) days, or enter into an informal settlement agreement with Board counsel.

(e) If the Investigative Committee finds the probable cause does not exist to suggest that the licensee has violated the laws and/or regulations of the AESBL, the complaint file will be closed.

(3) Hearings

(a) Any licensee aggrieved by a decision of the Investigative Committee and who cannot reach an informal settlement with Board counsel regarding disciplinary action may request a hearing within thirty (30) days.

(b) A quorum of the Board members shall sit for the hearing or the Board may appoint a private Hearing Officer to hear the matter.

(c) The Chair of the Board or Hearing Officer will preside at the hearing, and will rule on all pre-hearing motions and evidentiary issues. All pre-hearing motions must be made in writing and filed with the Board. Copies of motions and responses thereto must be served on the opposing party. Service of motions or responses is complete upon placing the same in the mail. Each motion or response thereto will contain a certificate indicating the date on which the motion was served on the opposing party.

(d) No party will be entitled to any pre-hearing discovery without prior approval of the Board or Hearing Officer. Discovery must be requested by Motion, and this Motion must identify the type of information requested and the intended method of discovering it. The opposing party will be given an opportunity to respond to such motion. The Board or Hearing Officer may order discovery for good cause shown, so

long as permitting the discovery will not unreasonably delay the hearing of the matter. Any discovery must be clearly related to the allegations contained in the Administrative complaint.

(e) If the Board appoints a Hearing Officer, any party desiring to subpoena the attendance of any person at a hearing or the production of documents via a subpoena duces tecum must apply to the Hearing Officer for such a subpoena. Such application will be made by motion, and a copy of the motion will be served on opposing party in the method previously described for service of motions. The opposing party will be given an opportunity to object to the issuance of the subpoena.

(f) Both the Board and the Respondent will be entitled to present and examine witnesses, to cross-examine witnesses, to introduce evidence, and to be represented by counsel.

(g) The hearing will be conducted in the following order: opening statement by the Board, opening statement by the Respondent, presentation of the case-in-chief by the Board, presentation of the Respondent's case, presentation of rebuttal evidence by the Board, closing argument by the Board, closing argument by the Respondent. The Board or Hearing Officer retains the discretion to take evidence out of order for good cause shown. Either the Board or Respondent may waive opening or closing arguments. The hearing will be conducted in accordance with Sections 41-22-12 and 41-22-13 Code of Alabama (1975) and other applicable provisions of the Administrative Procedures Act.

(h) An appointed Hearing Officer will render a written recommended findings of fact and conclusion of law to the Board.

(i) The Board (with the exception of that Board member who served on the Investigative Committee for the complaint and any other board member who is biased or who has a conflict of interest) will review the recommended findings of fact and conclusions of law and determine whether they should be adopted, amended or overruled. If a majority of the members of the Board are unable to vote because of bias, conflict of interest or service on the Investigative Committee, the Hearing Officer's findings of fact and conclusion of law will constitute AESBL's final order.

(j) The Board will issue a final order containing its findings of fact, conclusions of law, and discipline, if any. This final order shall comply with the requirements of Section 41-22-16 of the Code of Alabama (1975). A majority of the Board members rendering the decision must reach accord for the decision to be final.

(k) The Respondent may appeal a final order of the Board to the Circuit Court of Montgomery County.

(4) Informal Settlement

(a) Board counsel is authorized to enter into settlement negotiations on behalf of the Board.

(b) Neither the Board nor the Licensee is obligated to participate in informal settlement negotiations or to enter into an informal settlement agreement.

(c) If the Board and the Respondent do enter into an informal settlement agreement, that settlement agreement will be memorialized in a Consent Order, which must be signed by the respondent or its agent and the Executive Secretary of the Board.

(d) A Consent Order must contain a recitation of the facts giving rise to the allegations, a citation to the code or regulatory sections involved in the allegations, a statement of the terms upon which the parties have agreed to settle the case, and must state that the agreement is not effective unless and until the Board approves the agreement at its next meeting.

(e) The Consent Order must also state that the parties agree that if the Board does not approve the terms of the settlement agreement, the Board members participating in that decision will not be required to recuse themselves from participation in a formal hearing by virtue of having reviewed the terms of the settlement agreement.

(f) No informal settlement will be final until a majority of the Board approves it at the next meeting of the Board.

(g) The Board member who served on the Investigative Committee may present the proposed settlement to the Board, but may not participate in deliberations regarding whether to accept it and may not participate in the vote on whether to accept it.

(h) If the Board approves the terms of the informal settlement agreement, the Chairman of the Board will sign the Consent Order on behalf of the Board. The Consent Order is effective from the date of signature of the Chairman of the Board, unless the Consent Order expressly provides otherwise.

(i) If the Board does not approve the terms of the settlement agreement, the Chairman of the Board will not sign the Consent Order and the Consent Order will not take effect. The matter will be referred again for formal hearing.

(j) The terms of the informal settlement agreement must serve the public's interest.

(5) Grounds for Disciplinary Action

- (a) Any violation of Section 34-1A-7(a)-7(d) of the Code of Alabama, 1975.
- (b) Conviction of a crime that could have been grounds for denial of a license had the conviction occurred before issuance of the license.
- (c) Violation of any of the Alabama Electronic Security Board of Licensure's Code of Ethics, rules, regulations, or statutory provisions.
- (d) Failing to maintain insurance coverage as required by Law and Regulations.
- (e) Employing one or more unlicensed alarm installers, alarm technicians, locksmiths, salespersons, helpers, or monitoring station operators for more than ten (10) working days without completing and submitting applications and criminal background requests to AESBL.

Author: Fred Crawford

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304-X-1-.07

Cease and Desist Orders

(1) The Board may conduct inspections relative to the operations of unlicensed persons to ensure lawful compliance.

(2) If the Board has information relative to a person's unlawful activity, conduct or practice, the Board may issue an order for the person to show cause why an order should not be issued directing the person to cease and desist from the activity, conduct, practice or the performance of any work being done or about to be commenced.

(3) If the person who receives an order from the Board files a written request for a hearing before the Board within 14 days after receipt of the order, the Board, not less than thirty days thereafter, shall hold a hearing on the matter.

(4) After a hearing, or if no hearing is requested, the Board may issue a Cease and Desist Order in the name of the State of Alabama under the seal of the Board.

(5) If the person to whom the Board directs a Cease and Desist Order does not cease or desist the prescribed activity, conduct, practice or performance of the work immediately, the Board may petition any court of competent jurisdiction to issue a writ of injunction enjoining the person from performing the work.

(6) Upon a showing by the Board that the person has engaged or is engaging in any work prohibited by the Board's law, the court shall grant injunctive relief enjoining the person from engaging in such unlawful activity.

(7) Upon the issuance of a permanent injunction, the court may fine the offending person up to five thousand dollars (\$5,000), plus costs and attorney fees for each offense, and may be rendered in the same judgment in which the injunction is made absolute.

(8) Any person violating this Board's law who fails to cease work after a hearing and notification from the Board shall not be eligible to apply for a license from the Board for a period of one year from the date of official notification to cease work.

(9) The Board may also withhold approval for up to six months of any application from any person who prior to the application has been found in violation of this Board's law.

Author: Lynne Taunton

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